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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF WASHINGTON

6 MICHAEL KIRBY,
7 Plaintiff,

8 v.

9 CITY OF EAST WENATCHEE, and
10 OFFICER JAMES MARSHALL,
11 Defendants.

} NO. 12-CV-190-JLQ

} ORDER GRANTING DEFENDANTS'
MOTION TO EXPEDITE; DENYING
DEFENDANTS' MOTION TO QUASH

12 BEFORE THE COURT is the Defendants' Motion to Expedite (ECF No. 33)
13 and Motion Quash Subpoenas to Medina Police Department and Clyde Hill Police
14 Department (ECF No. 30). Defendants' Motion to Quash is DENIED on the basis of
15 the clear language of Fed.R.Civ.P. 45 and Ninth Circuit authority, *SEC v. CMKM*
16 *Diamonds, Inc.*, 656 F.3d 829 (9th Cir. 2011). Only the court that issued the
17 subpoena, not the court where the underlying action is pending has the authority to
18 consider motions to quash or modify subpoenas under Rule 45. Because the
19 subpoenas at issue were issued by the U.S. District Court for the Western District,
20 the court lacks jurisdiction to consider Defendants' Motion to Quash.

21 ACCORDINGLY,

22 1. Defendants' Motion to Expedite (ECF No. 33) is GRANTED.

23 2. Defendants' Motion to Quash Subpoenas (ECF No. 30) is DENIED.

24 IT IS SO ORDERED. The Clerk is hereby directed to enter this Order and
25 furnish copies to counsel.

26 DATED this 13th day of July, 2012.

27 s/ Justin L. Quackenbush
JUSTIN L. QUACKENBUSH
28 SENIOR UNITED STATES DISTRICT JUDGE